1) Sri Shivegowda

2) Sri Chandegowda and

3) Shri Chickkaveeregowda,

all residents of Negalahalli, Arsikere Taluk. The accused persons Shri Shankarappa, Chairmen of Belgumba village, Arsikere Taluk and Nanjegowda of Lakkahalli, cheated them by collecting Rs. 120/- and Rs. 180/- and Rs. 150/- in 1971 on the pretext of running a Chit Fund by name "Kamadhenu Enterprises". Both the accused were arrested and chargesheeted on 15-6-1973. On the point of jurisdiction the case was transferred to Arsikere Rural Police Station on 20-6-1973. The case is pending trial and posted to 24-7-1973. The present position of the case is being ascertained.

If there is further information I will certainly collect it. The case is under trial and it is sub-judice. If there is any additional information I will ask the police to go into it.

Mr. DEPUTY SPEAKER.— The House will now adjourn and meet tomorrow at 9 a. m.

[The House adjourned at Fifty Minutes past Seven of the Clock to meet again at Nine of the Clock on Saturday, 29th September 1973.]

ANNEXURE

THE MYSORE FOREST (AMENDMENT) BILL, 1973

(L. A. Bill No. 53 of 73)

A Bill to amend the Mysore Forest Act. 1963

Wherers it is expedient to amend the Mysore Forest Act, 1963 (Mysore Act. 5 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Mysore State Legislature in the Twenty-fourth year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Mysore Forest (Amendment) Act., 1973.

2. It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment of section 2.— In section 2 of the Mysore Forest Act, 1963 (Mysore Act 5 of 1964) (here in-afrer referred to as the principal Act) in sub-clause (a) of clause (7) for the words and bracket "Phyllanthus emblica" the words and bracket "Phyllanthus emblica, ramapatre and shigakai" shall be substituted.

3. Amendment of section 28.— After sub-section (1) of section 28 of the principal Act the following proviso shall be inserted, namely:—

"Provided that no such notification shall be issued unless a resolution to that effect has been moved in and passed by both Houses of the State Legislature".

4. Amendment of section 50.— In sub-section (2) of section 50 of the principal Act.—

(1) in clause (k) fot the words "within specified local limits" the words "within the whole of the State of Mysore or specified local limits" shall be substituted;

(2) After clause (k) the following clause shall be inserted, namely:—

(ka) Regulate (including requiring the owner or proprietor to obtain a licence) the existing saw pits, saw mills or any other sawing contrivances;".

5. Amendment of section 86.— In section 86 of the principal Act, for the words "or with fine" the words "and with fine" shall be substituted and for the word "two thousand rupees or with both" the words "five thousand rupees" shall be substituted.

6. Amendment of section 102.— In sub-section (2) of section 102 of the Principal Act, after clause (d) the following clauses shall be and shall be deemed always to have been inserted, namely :—

"(e) regulating the cutting, felling, sale or disposal of blackwood or bite tree (Dalbergia latifolia);

(f) the fees to be levied in respect of licences, permits, passes or permissions issusd under this Act or rules made thereunder ;

(g) any other matter which is required or allowed by this Act to be prescribed".

7. Amendment of section 104.— In section 104 of the principal Act, for the words "one month" the words "six months" and for the words "five hundred rupees" the words "one thousand rupees" shall be substituted.

8. Insertion of new sections 104A and 104B. - After section 104 of the principal Act the following sections shall be inserted, namely ;—

"104A. Regulation of cutting, sale, etc., of black wood trees.— (1) No owner or occupant or holder of land shall cut, fell, uproot, sell or in any other manner dispose of any blackood or bite tree (Dalbergia latifolia) in any land belonging to or in the occupation or under the control of such owner, occupant or holder except in accordance with such rules regulating the cutting, felling, sale etc. thereof, as may be prescribed.

(2) In any case of a forest offence having reference to the cutting, felling, uprooting, or removel or damage to a blackwood or bite tree (Dalbergia latifolia) or any part thereof belonging to Government, the offender shall, on conviction, be punishable with imprisonment for a term which may extended to two years and with fine which may extended to five thousand rupees.

104B. Certain offences to be cognizable.— All offences under Chapter X and under section 104A shall be cognizable."

STATEMENT OF OBJECTS AND REASONS

It is proposed to include ramapatra and shigakai within the definition of forest produce.

To prevent theft and illicit felling of Government trees it is considered necessary to make certain forest offences cognizable and to enhance the punishment. A separate

provision is made in respect of offences relatable to rosewood (blackwood or bite) and power has been taken to regulate by rules the cutting, sale act. of such trees.

The courts have held that section 50 (2) (k) empowers making of rules prohibiting absolutely or subject to conditions the establish ment of sow mills etc., within certain specified local limits and not throughout the State. It is considered necessary to take power to make such rules in respect of the whole of the State of Mysore.

The courts have held that the Act does not provide for regulating the existing saw pits and saw mills and to levy licence fees in respect of saw pit and saw mill licences. It is considered necessary to regulate the working of the existing saw mills and saw pits and to levy necessary licence fees.

It is considered necessary to get a resolution to that effect passed by both Houses of the State Legislature before issuing a notification under section 28 declaring that a reserved forest shall cease to be a reserved forest.

Hence this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 4.— Clause (ka) of section 50(2) proposed to be inserted by this clause empowers the State Government to make rules to regulate (including requiring the owner to obtain a licence) the existing saw pits, saw mills or any other sawing contrivances.

Clause 6.— Clause (e), (f) and (g) of section 102 (2) proposed to be inserted by this clause empowers the State Government to make rules for regulation the cutting, felling sale or disposal of blackwood or bite tree (Dalbergia latifolia)and the fees to be levied in respect of licences, permits passes or permissions issued under the Act and also any other matter which is required or allowed by the Act to be prescribed.

Clause 8.— Section 104A proposed to be inserted by this clause empowers the State Government to make rules regulating the cutting, felling, sale etc., of any blackwood or bite tree (Dalbergia) in any land belonging to or in the occupation or under the control of the owner or occupant or holder of the said land.

The proposed delegation of legislative power is of normal character.

K. H. PATIL

TE. HANUMANTAPPA,
Secretary.